

Approved:   
Ben Arad  
Assistant United States Attorney

Before: THE HONORABLE JUDITH C. McCARTHY  
United States Magistrate Judge  
Southern District of New York

- - - - -	X	:	23 Mag. 3482
UNITED STATES OF AMERICA	:	:	
	:	:	<u>SEALED COMPLAINT</u>
- v. -	:	:	Violation of Title 18
	:	:	U.S.C. § 201(b) (2) (C).
FELIX NUNEZ PAULA,	:	:	
	:	:	COUNTY OF OFFENSE:
Defendant.	:	:	ROCKLAND
- - - - -	X	:	

SOUTHERN DISTRICT OF NEW YORK, ss.:

Kyle Knieste, being duly sworn, deposes and says that he is a Special Agent with the United States Postal Service, Office of the Inspector General ("USPS-OIG") and charges as follows:

COUNT ONE

(Bribery)

1. On or about December 19, 2022 and at other times, in the Southern District of New York and elsewhere, FELIX NUNEZ PAULA, the defendant, being a public official, to wit: a United States Postal Service employee, corruptly demanded, sought, received, accepted, and agreed to receive and accept a thing of value, to wit: United States currency, personally, and for another person and another entity, in return for being induced to do and omit to do acts in violation of his official duty.

(Title 18, United States Code, Section 201(b) (2) (C).)

The bases for my knowledge and for the foregoing charge is, in part, as follows:

2. I am a Special Agent with the United States Postal Service, Office of Inspector General ("USPS-OIG"), and I have been personally involved in the investigation of this matter. I have been employed by the USPS-OIG for approximately ten years. During that time, I have participated in numerous narcotics investigations. I base this affidavit on that personal experience, as well as my conversations with other law enforcement officers and my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts I have learned during the investigation. Where the contents of documents or the actions, statements, or conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my personal involvement in this investigation and my discussions with other law enforcement officers, I have learned, among other things, the following:

**BACKGROUND**

a. Prior investigations and trafficking intelligence have demonstrated that USPS Priority Mail has become a method of choice of narcotics traffickers for the transportation of controlled substances. Prior investigations also have revealed that parcels found to contain controlled substances destined for delivery in the New York area often are sent from source locations including California, Arizona, Washington, and, relevant here, Puerto Rico.

b. Since in or around November 2022, the USPS-OIG and United States Postal Inspection Service ("USPIS") have been investigating the shipment of suspicious parcels from Puerto Rico to various addresses in Monsey and Spring Valley, New York, both of which are serviced by the United States Post Office in Monsey, New York (the "Monsey Post Office"). The commonalities among these parcels included, among other things, that they were of similar size and weight and sent by priority mail, paid for in cash. In addition, based on its review of government records, USPIS has concluded with respect to all but one of these parcels that the sender names listed did not match government records reflecting the addresses of the purported senders. Finally, nearly all of these parcels were destined for addresses on the delivery route of a single USPS Postal Carrier at the Monsey Post Office ("Carrier-1"), whom, based on my participation in this investigation, I know to be the brother of

FELIX NUNEZ PAULA ("FELIX"), the defendant. Parcels fitting this description are referred to herein as "Suspicious Parcels."

c. During the course of this investigation, law enforcement surveilled Carrier-1, on multiple occasions, scanning Suspicious Parcels as delivered without delivering those parcels to the destinations to which they were addressed.<sup>1</sup> For example, on or about January 9, 2023, Carrier-1 was surveilled handing parcels to an individual ("CC-1") and scanning them as delivered, even though the parcels were not addressed to CC-1.

d. On or about January 30, 2023, after again observing Carrier-1 diverting Suspicious Parcels to CC-1 in this manner, law enforcement arrested both Carrier-1 and CC-1 and searched and seized three diverted Suspicious Parcels pursuant to a search warrant. The diverted Suspicious Parcels contained approximately 6.24 kilograms of mixtures and substances that, a TruNarc field test later revealed, contained a detectable amount of cocaine.

e. When Carrier-1 was arrested and searched incident to arrest shortly after handing the three diverted Suspicious Parcels to CC-1, officers found \$6,000 on Carrier-1's person. Based on my training and experience and involvement in this investigation, I believe this money represents payment from CC-1 to Carrier-1 for diverting these three Suspicious Parcels.

#### **SURVEILLANCE OF FELIX**

f. During the investigation that led to the January 30, 2023 arrests of Carrier-1 and CC-1, law enforcement, while conducting surveillance, observed FELIX scanning Suspicious Parcels as delivered without, in fact, delivering them to their stated addresses.

g. For example, three Suspicious Parcels were sent, on or about December 17, 2022, from Puerto Rico to addresses on Carrier-1's USPS delivery route (the "December 17 Parcels"). Carrier-1 was not working on or about December 19, 2022, the day the Parcels arrived at the Monsey Post Office. FELIX covered Carrier-1's route that day.

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<sup>1</sup> The USPS employs an electronic system to track deliveries. Postal Carriers are equipped with scanners that they use to scan parcels and other items as "delivered" when those items are delivered to their destinations.

h. A search of a cellphone belonging to Carrier-1, conducted pursuant to a search warrant, revealed that, at approximately 7:52 a.m. on or about December 19, 2022, FELIX sent Carrier-1 via WhatsApp a photo of one of the December 17 Parcels. The parcel's intended destination, an address on West Street in Spring Valley, New York, was visibly written on the parcel, as depicted in the photo.

i. FELIX scanned all three December 17 Parcels as delivered at approximately 8:33 a.m., while he was located in the vicinity of the corner of West Church Street and West Street in Spring Valley, New York. However, all three parcels were destined for addresses between one-tenth and one-half mile away from the location where FELIX scanned the parcels as delivered.

j. Shortly after 1:30 p.m., law enforcement observed FELIX stop his Postal Service vehicle outside the intended destination of the December 17 Parcel whose photo FELIX had sent to Carrier-1. Law enforcement observed FELIX exit his Postal Service vehicle without any parcels, deliver mail, return to his Postal Service vehicle, and drive off.

k. Call and text logs on Carrier-1's phone show, in part, the following activity on or about December 19, 2022:

- i. At approximately 9:31 a.m., FELIX called Carrier-1. The call lasted approximately one minute and eight seconds.
- ii. At approximately 10:13 a.m., CC-1 sent Carrier-1 a WhatsApp message in which CC-1 wrote, in sum and substance, "tell me the address."
- iii. At approximately 10:20 a.m., CC-1 called Carrier-1 via WhatsApp. The call lasted approximately seventeen seconds.
- iv. At approximately 10:22 a.m., via WhatsApp: Carrier-1 texted CC-1 an address in Spring Valley; CC-1 responded, in sum and substance, "10:40 I'm there;" and Carrier-1 replied, in sum and substance, "Ok."
- v. At approximately 10:40 a.m., CC-1 sent Carrier-1 a WhatsApp message in which he stated, in sum and substance, "I've already arrived."

vi. At approximately 10:47 a.m., Carrier-1 called FELIX. The call lasted approximately thirty-one seconds.

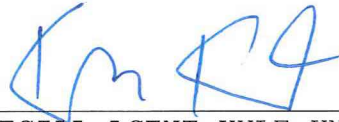
1. USPS policy requires Postal Carriers to scan items as delivered only at the items' points of delivery; otherwise scanning an item as delivered is a violation of a Postal Carrier's duty.

**FELIX'S ADMISSION**

m. Following the arrests of Carrier-1 and CC-1, FELIX consented to be interviewed by law enforcement. After waiving his *Garrity* rights, FELIX admitted that, on several occasions, in exchange for United States currency from Carrier-1, FELIX scanned as delivered parcels without delivering them to their stated addresses and instead gave them to Carrier-1.

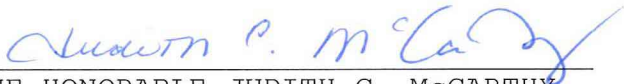
n. Based on the evidence described above, my participation in this investigation, and my training and experience, I believe that FELIX diverted the Suspicious Parcels that he was meant to deliver on or about December 19, 2022 from their intended destinations to Carrier-1, who paid United States currency to FELIX for this corrupt service and, in turn, passed the parcels to CC-1.

WHEREFORE, the deponent respectfully requests that a warrant be issued for the arrest of FELIX NUNEZ PAULA, the defendant, and that he be imprisoned or bailed, as the case may be.



SPECIAL AGENT KYLE KNIESTE  
United States Postal Service  
Office of Inspector General

Sworn to me this  
1<sup>st</sup> day of May, 2023.



THE HONORABLE JUDITH C. MCCARTHY  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK